



Ninety-Ninth Legislature - First Session - 2005
Revised Corrected Committee Statement
LB 251

Hearing Date: January 25, 2005

Committee On: Transportation and Telecommunications

Introducer(s): (Baker)

Title: Change provisions relating to towing and liens

Roll Call Vote – Final Committee Action:

Advanced to General File

X Advanced to General File with Amendments

Indefinitely Postponed

Vote Results:

7	Yes	Senators Foley, Baker, Smith, Aguilar, Hudkins, Stuthman, Dw. Pedersen
	No	
	Present, not voting	
1	Absent	Senator Brown

Proponents:

Senator Tom Baker
Donald Gerber
Loy Todd
Jo Anne Hitz
Mike Nikolas
Tim Keigher
Bob Hallstrom
Gary Behlmann

Representing:

Introducer
Sonny Gerber Auto Sales, Inc., Omaha
Nebraska New Car & Truck Dealers
Professional Towers Association of Nebraska
Lienholders/Towing
Nebraska Independent Auto Dealers
Nebraska Bankers Association
Kearney Towing; Professional Towers Association

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

The bill changes provisions relating to towing. The bill amends §60-6,297 to allow a wrecker or tow truck to exceed the length limitations when the disabled combination of vehicles, together with the wrecker or tow truck, does not exceed one hundred fifty feet.

Section 2 amends §60-2404 by changing provisions regarding towed vehicles, requiring that a towed vehicle which is not claimed by the owner within 90 days after towing is then subject to lien and disposition under Chapter 52, article 6.

Section 3 amends §60-2410(1) by providing that any towing or storage fee shall be a lien upon the vehicle under Ch. 52, art.6 and except as provided, shall be prior to all other claims. Any person towing or storing a vehicle may (formerly shall) retain possession under such charges are paid, or after ninety days, may dispose of such vehicle to satisfy the lien.

Under subsection (2), the person towing the motor vehicle must notify the owner and any lienholders within 30 days. The notice shall be sent by certified mail to the last known address of the lienholder and owner. The notice shall contain the make, model, color, year and VIN of the vehicle; the name, address, and telephone number of the person who towed the motor vehicle; the date of the towing; the daily storage fee; the storage fee accrued as of the date of the notification; and a statement that the motor vehicle is subject to lien and disposition under Ch. 52, Art. 6.

Under subsection (3), failure to provide notice as prescribed in subsection (2), shall result in the lien of the tower being subordinate to the lienholder appearing on the certificate of title and render void any disposition of the motor vehicle by the tower.

Section 4 contains the repealer clause.

Explanation of amendments, if any:

The committee amendment, AM0187, defines “place of secure safekeeping” as a place off the traveled portion of the highway that can accommodate the parking of such vehicles in order for the vehicles to be (1) repaired or (2) dismantled and operated in compliance with subdivision (1)(b) of section 60-6,290 and subsections (2) and (3) of section 60-6,294.

Senator Tom Baker, Chairperson